

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

International Application Number	International Filing Date	Priority Date Claimed
PCT/EP2005/001608	17 Feb 2005	16 Mar 2004
U.S. Serial Number		Applicant(s) for DO/US
10/593,001		Lars WINGEIER, et al.
Submitted: 15 Sep 2006		
Title of Invention	Device for Coating Tunnel Walls	
Docket No. COW-0540		

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 Commissioner For Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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Vincent A. Curatolo
 (type or print name of person signing paper)

V.A. Curatolo
 (signature of person mailing paper)

7-22-2008
 (date)

TRANSMITTAL SHEET

Electronically Transmitted are:

Transmittal Sheet with Certificate of Electronic Transmission and Authorization to Charge Deposit Account (1 page)
 Copy of Notification of Missing Requirements under 35 USC 371 (2 pages)
 Completion of Filing Requirements (4 pages)
 Statement By Attorney That Papers Attached to Declaration Are a Copy of Those Filed in USPTO to Get a Filing Date (2 pages)
 Declaration/Power Attorney (2 pages) with Preliminary Amendment Attached (6 pages)
 Credit Card Payment

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

In the event an additional fee is applicable to the filing of this document and the required fee is not enclosed, or the fee submitted is insufficient, the Commissioner is hereby authorized to charge any fees for Docket No. COW-0540 that might be required to effect the filing of this (these) documents to Account No. 50-3275.

Respectfully submitted,

Joseph G. Curatolo
 Joseph G. Curatolo, Esq. (Reg. No. 28,837)
 Curatolo Sidoti Co., LPA
 24500 Center Ridge Road Suite 280
 Cleveland, OH 44145
 Telephone: 440.808.0011
 Facsimile: 440.808.0657
 Customer No. 23575
 Attorney for Applicants

Date July 22, 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 10 2008

CURATOLO SIDOTI

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/593,001	Lars Wingeier	COW-0540
23575 CURATOLO SIDOTI CO., LPA 24500 CENTER RIDGE ROAD, SUITE 280 CLEVELAND, OH 44145	INTERNATIONAL APPLICATION NO. PCT/EP05/01608	
	I.A. FILING DATE 02/17/2005	PRIORITY DATE

CONFIRMATION NO. 6971
371 FORMALITIES LETTER



OC000000030767721

Date Mailed: 07/08/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Copy of the International Application filed on 09/15/2006
- English Translation of the IA filed on 09/15/2006
- Copy of the International Search Report filed on 09/15/2006
- Preliminary Amendments filed on 09/15/2006
- Information Disclosure Statements filed on 09/15/2006
- Oath or Declaration filed on 09/15/2006
- Request for Immediate Examination filed on 09/15/2006
- U.S. Basic National Fees filed on 09/15/2006
- Non-English Language Application filed on 09/15/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Reviewed by JCF/ES 7-10-08

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

TONI M HOOD

Telephone: (703) 308-9140 EXT 218

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VINCENT A. CORTESE

(type or print name of person signing paper)

Mark A. C.

(signature of person mailing paper)

7-22-2008

(date)

**COMPLETION OF FILING REQUIREMENTS
 FOR INTERNATIONAL APPLICATION ENTERING NATIONAL
 STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 USC §371**

I.

- Applicant has not yet received a Notification of Missing Requirements Under 35 USC §371 (Form PCT/DO/EO/905) in the United States Designated/Elected Office (DO/EO/US).
- A copy of the Notification of Missing Requirements under 35 USC §371 and 37 CFR 1.494 in the United States Designated/Elected Office is enclosed (Form PCT/DO/EO/905).

DECLARATION OR OATH

II. (a) No executed original declaration or oath was filed. Enclosed is the original executed declaration or oath for this application.

OR

(b) The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

Attached is a

- (c) Statement by a registered attorney that the application filed in the USPTO is the application which the inventor executed by signing the declaration.
- (d) Statement that the "attached" paper is a copy of the amendment that was filed in the USPTO with the specification to obtain the filing date.

AMENDMENT

III. An amendment in accordance with 37 CFR §1.121 is attached.
 The attached amendment

TRANSMITTAL OF ENGLISH TRANSLATION OR NON-ENGLISH LANGUAGE PAPERS

IV. Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the USPTO.

SMALL ENTITY STATUS

V. Applicant is

[] a small entity
verified statement:

[] enclosed
[] already filed in application

[X] other than a small entity

COMPLETION FEES

VI.

1. Filing Fee
 - original patent application (37 CFR 1.16(a)- \$790; Small entity - \$395) \$ 0.00
 - Design application (37 CFR 1.16(f) \$330; small entity - \$165) \$ 0.00
2. Fees for claims
 - each independent claim in excess of 3 (38 CFR 1.16(b)-\$82; small entity -\$41) \$ 0.00
 - each claim in excess of 20 (37 CFR 1.16(c)-\$22; small entity-\$11) \$ 0.00
 - multiple dependent claim(s) (37 CFR 1.16(d) - \$270;

small entity- \$135)	\$ <u>0.00</u>
3. Surcharge Fees	
<input type="checkbox"/> late payment of filing fee	
and/or	
<input checked="" type="checkbox"/> late filing of original declaration or oath (37 CFR 1.16(e) - \$130; small entity - \$65);	\$ <u>130.00</u>
4. <input type="checkbox"/> Petition and fee for filing by other than all the inventors or person not the inventor (37 CFR 1.17(h) and 1.47 - \$130)	\$ <u>0.00</u>
5. <input type="checkbox"/> Fee for processing an application filed with a specification in a non-English language (37 CFR 1.17(k) and 1.52(d)-\$130)	\$ <u>0.00</u>
6. <input type="checkbox"/> Fee for processing and retention of application (37 CFR 1.21(l) and 1.53(d)-\$300)	\$ <u>0.00</u>
Total completion fees	\$ <u>130.00</u>

EXTENSION OF TIME

VII.

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Extension months</u>	<u>Fee for other than small entity</u>	<u>For small entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 460.00	\$ 230.00
<input type="checkbox"/> three months	\$ 1,050.00	\$ 525.00
<input type="checkbox"/> four months	\$ 1,640.00	\$ 820.00
<input type="checkbox"/> five months	\$ 2,230.00	\$ 1,115.00
	Extension Fee	\$ <u>0.00</u>

If an additional extension of time is required please consider this a petition therefor.

Based on the extension requested in this petition, the extended period for response will expire on _____.

or

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

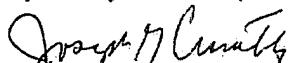
6. Fee Payment

Attached is a credit card payment in the amount of \$ 130.00

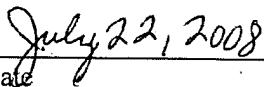
7. Fee deficiency

If any additional extension and/or fee is required for this case COW-0540, charge Deposit Account No. 50-3275.

Respectfully submitted,



Joseph G. Curatolo, Esq. (Reg. No. 28837)
Curatolo Sidoti Co., LPA
24500 Center Ridge Road, Suite 280
Cleveland, OH 44145
Telephone: 440.808.0011
Facsimile: 440.808.0657
Customer No. 23575
Attorney for Applicants



Date

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VINCENT A. CURATOLE
(type or print name of person signing paper)

WT
(signature of person mailing paper)

7-22-2008
(date)

**STATEMENT BY ATTORNEY THAT PAPERS ATTACHED TO DECLARATION
ARE A COPY OF THOSE FILED IN USPTO TO GET A FILING DATE**

I, Joseph G. Curatolo
Curatolo Sidoti Co., LPA
24500 Center Ridge Road, Suite 280
Cleveland, Ohio 44145

Reg. No. 28837
Phone No. 440.808.0011

state I am the attorney for this application and that I have reviewed the

6 pages of preliminary amendment

as shown in my files to be papers I filed in respect to the above-identified application and have compared them to the papers attached to the declaration(s) of

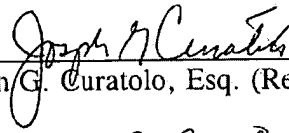
Lars WINGEIER
Otto TSCHUMI

for Device for Coating Tunnel Walls

that accompany this statement, and I declare that these papers attached to the declaration(s) are a copy of the amendment that I filed in the USPTO in order to obtain a filing date for this application by:

- depositing by hand at the USPTO
- mailing to the USPTO
- transmitting to the USPTO by the Office Electronic Filing System
- mailing to the USPTO by Express Mail bearing Mailing Label Number EV915786438US on 15 Sep 2006.

Respectfully submitted,



Joseph G. Curatolo, Esq. (Reg. No. 28837)

Customer No. 23575

Date 7-22-2008